

UNIT 61 DOCUMENTING PAST PERFORMANCE

(Formerly Unit 63)

UNIT CERTIFICATION

Statement of Completion

_____ has satisfactorily completed on-the-job training in the duty or duties of this Unit under the conditions described below and in accordance with the overall standard(s) for this Unit.

Duty	Document past performance information.
Conditions	Given a contract, contract administration plan, and contracting officer representatives or technical representatives (from Unit 56).
Overall Standard(s)	Comply with FAR and agency policies. Documented past performance information fairly and validly characterizes the contractor's actual performance. Past performance information is complete and sufficient for application in pre-award source selections.

Evaluator

Name

Title

Date

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DOCUMENTATION OF OJT ASSIGNMENT(S)
Description of Assignment:
Evaluation:
Completion Date:

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Policies

<i>FAR</i>	<i>Agency Suppl.</i>	<i>Subject</i>
9.403		Definition of “unfair trade practice”.
9.406-2(b)		Debarment based on malperformance under a contract.
42.15		Contractor performance information

Other KSA's

1. Knowledge of reporting channels and responsible officials.
2. Knowledge of past performance information and its uses.

Past Performance Information Defined

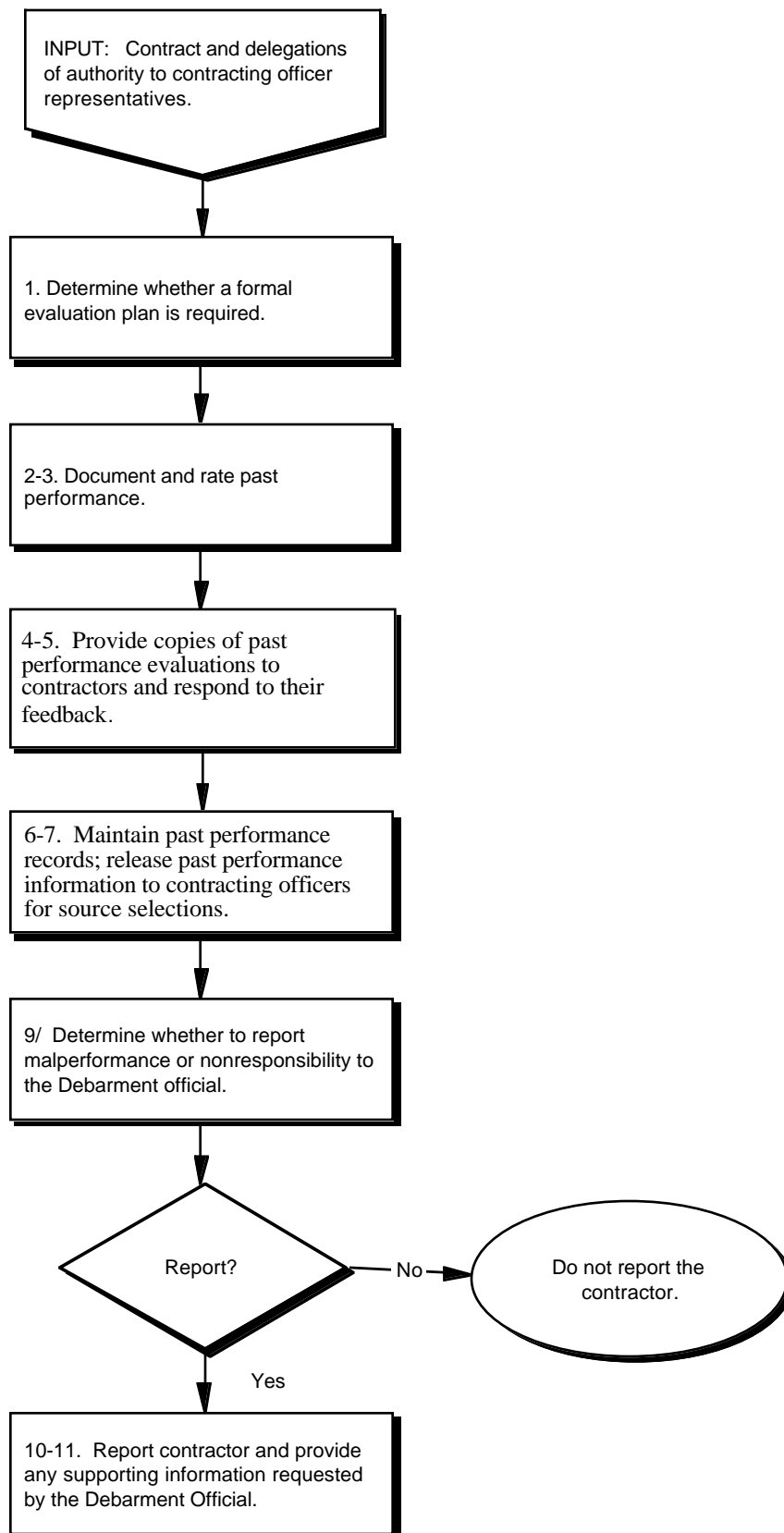
 Past performance information is information that is relevant to future source selections on a contractor's actions under previously awarded contracts. Record information on such matters as the contractor's:

- Record of conforming to contract requirements and to standards of good workmanship.
- Record of forecasting and controlling costs.
- Adherence to contract schedules, including the administrative aspects of performance.
- History of reasonable and cooperative behavior and commitment to customer satisfaction.
- Business-like concern in general for the interest of the customer.

Generally solicit input for the evaluations from the technical office, contracting office, and, where appropriate, end users of the product or service. [FAR subpart 42.15, FAC 90-26]

Other Policies and References (Annotate As Necessary):

REPORTING PERFORMANCE PROBLEMS




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Tasks

Related Standards

1. Determine whether a formal evaluation is required.	1. Accurately identify the dollar thresholds above which formal evaluations are required.
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Requirements For Formal Evaluations

 When work on the contract is completed, prepare an evaluation of contractor performance for each contract in excess of:

- \$1,000,000 beginning July 1, 1995,
- \$500,000 beginning July 1, 1996, and
- \$100,000 beginning January 1, 1998

Exceptions:

- Contracts awarded under Subparts 8.6 and 8.7.
- Construction and A&E contracts (see §36.201 and 36.604 for policies on recording performance under such contracts).

Also prepare interim evaluations for multiple year contracts as specified by the agency.
[FAR subpart 42.15, FAC 90-26]

2. Document past performance information.	2. Correctly identify (based on feedback from Unit 56), classify, and record past performance information. Consider all information (including informal feedback from contractor personnel as well as Government personnel) when drafting the final evaluation. Accurately determine the extent to which performance problems are the fault of Government personnel. Accurately distinguish problems in satisfying contractual requirements from complaints that a contractor has failed to satisfy a Federal employee's extra-contractual demands.
3. Rate past performance.	3. Correctly interpret and apply rating scales prescribed by the contracting activity. As recorded in the contract file, past performance information supports the ratings, in terms of validity and freedom from bias, arbitrariness, or capriciousness.


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Tasks

Related Standards


4. Provide copies of past performance evaluations to contractors.	4. All such information is complete and provided to the contractor within the deadlines established by the FAR. Accurately answer contractor questions about appeal rights.
5. Respond to contractor rebuttals.	

Contractor Feedback On Evaluations

 Provide copies of the agency evaluation of the contractor's performance to the contractor as soon as practicable after completing the evaluation. Give the contractor at least 30 days to comment on the evaluation. If the parties disagree about the evaluation, refer the evaluation to a level above the contracting officer. However, the contracting agency makes the final decision. [FAR subpart 42.15, FAC 90-26]

6. Retain evaluations.	6. Accurately identify FAR requirements for retaining past performance information (including copies of the contractor's responses and reviews of same).
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Access And Retention

 Retain copies of the evaluation, contractor response, and review comments (if any). Mark this information with the legend "Source Selection Information." Only release the evaluation to other Government personnel and the contractor whose performance is being evaluated. Destroy the evaluation within three years after completion of contract performance. [FAR subpart 42.15, FAC 90-26]

7. Release past performance information to Federal contracting officers.	7. Only release evaluations to Federal officials authorized to obtain the information. Correctly follow prescribed procedures for releasing the evaluations.
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Related Standards

8. Destroy past performance records.	8. Destroy the information within three years after completion of contract performance.
9. Determine whether to report malperformance or nonresponsibility to the Debarment Official.	<p>9. Report evidence of significant or recurring performance problems, such as the following.</p> <ul style="list-style-type: none"> • Willful refusal to perform in accordance with the terms of one or more contracts. • History of failure to perform or unsatisfactory performance of one or more contracts, as evidenced by such things as: <ul style="list-style-type: none"> - Termination for default. - Repeated late deliveries. - Repeated rejections of work, marginal quality. • Violation of the Drug Free Workplace Act of 1988, as evidenced by such things as: <ul style="list-style-type: none"> - Submission of a false certificate. - Failure to comply with the certificate. - Repeated convictions of contractor employees for violations of criminal drug statutes which occur in the workplace. • Commission of an “unfair trade practice”, as defined at FAR 9.403.¹ • Intentionally affixing a “made in America” label to a foreign made product. <p>Report nonresponsibility determinations when there is evidence that the contractor cannot be trusted to perform any work (vis-à-vis lacking the capability to perform the work at issue in the solicitation). In particular, report:</p> <ul style="list-style-type: none"> • Evidence of malperformance collected from other customers of the contractor. • Lack of integrity or failure to observe business ethics. • Evidence that the offeror is a front for a debarred or suspended business entity.

¹ FAC 90-20 added the last two bullets.

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Related Standards

<p>10. Prepare reports to the Debarment official.</p> <ul style="list-style-type: none">• Description of the performance problem.• Discussion of mitigating or extenuating circumstance, if any.• Indexed file of related documents.• Any known relationships between the contractor and other entities that have had similar problems.• Analysis of the impact that the contractor's performance problems have had on:<ul style="list-style-type: none">- Overall cost and delays in obtaining needed supplies and services.- Competition and withdrawal of more responsible suppliers from the Government market.- Mission accomplishment.	
<p>11. Provide any additional data requested by the Debarment official.</p> <ul style="list-style-type: none">• Potential impact of a debarment on the Government's ability to meet its needs.• Current mailing address for the contractor and any affiliates.• Any other.	